

# EXHIBIT E

Edmund Bryan  
April 21, 2008

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>-----X</p> <p>EDMUND BRYAN, Plaintiff, -against- No. 07 Civ. 7300 (SHS) ECF Case MEMORIAL SLOAN-KETTERING CANCER CENTER, Defendant. -----X</p> <p>April 21, 2008 10:08 A.M.</p> <p>Deposition of Plaintiff, by</p> <p>EDMUND BRYAN, taken by Defendant, pursuant to</p> <p>Notice, at the offices of McDermott, Will &amp;</p> <p>Emery, LLP, 340 Madison Avenue, New York, New</p> <p>York 10173, before Charisse Romeo, a Shorthand</p> <p>Reporter and Notary Public within and for the</p> <p>State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by</p> <p>3 and between the attorneys for the respective</p> <p>4 parties herein that the sealing, filing and</p> <p>5 certification of the within deposition be waived;</p> <p>6 that such deposition may be signed and sworn to</p> <p>7 before any officer authorized to administer an</p> <p>8 oath, with the same force and effect as if signed</p> <p>9 and sworn to before a judge of this court.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that all objections, except as to the form, are</p> <p>12 reserved to the time of the trial.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 THE SCOTT FIRM</p> <p>5 Attorneys for Plaintiff</p> <p>6 55 Washington Street, Suite 705</p> <p>7 Brooklyn, New York 11201</p> <p>8 BY: A. BARAKA SCOTT, ESQ.</p> <p>9</p> <p>10 McDERMOTT, WILL &amp; EMERY, LLP</p> <p>11 Attorneys for Defendant</p> <p>12 340 Madison Avenue</p> <p>13 New York, New York 10173</p> <p>14</p> <p>15 BY: JOEL E. COHEN, ESQ.</p> <p>16 KATHERINE D. KALE, ESQ.</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19</p> <p>20 PAMELA DUDLEY</p> <p>21 Memorial Sloan-Kettering Center</p> <p>22 Human Resources Representative</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 E. Bryan</p> <p>2 EDMUND BRYAN,</p> <p>3 having been first duly sworn by the</p> <p>4 Notary Public (Charisse Romeo), was</p> <p>5 examined and testified as follows:</p> <p>6 EXAMINATION BY MR. COHEN:</p> <p>7 Q. Would you state your name for the</p> <p>8 record?</p> <p>9 A. Edmund Bryan.</p> <p>10 Q. What is your address?</p> <p>11 A. 41-25 Kissena Boulevard,</p> <p>12 Apartment 5N, Flushing, New York 11355.</p> <p>13 Q. Mr. Bryan, I'm Joel Cohen.</p> <p>14 A. Hello.</p> <p>15 Q. I represent Memorial</p> <p>16 Sloan-Kettering. I'm going to ask you</p> <p>17 questions about your lawsuit. If you don't</p> <p>18 understand something I'm asking, please tell</p> <p>19 me and I'll try to make it more understandable</p> <p>20 for you.</p> <p>21 A. No problem.</p> <p>22 Q. Okay. I would ask that you wait</p> <p>23 until I finish with my question before you</p> <p>24 start answering, so that we are not speaking</p> <p>25 over each other and the reporter can get</p>

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<p style="text-align: right;">Page 5</p> <p>1 E. Bryan</p> <p>2 everything clearly. And I will try my best to</p> <p>3 not speak over you, okay, so that we make life</p> <p>4 easy for the reporter.</p> <p>5 The other thing I would ask you</p> <p>6 is, please listen to my question and answer</p> <p>7 the question that I ask you. Okay.</p> <p>8 A. Okay.</p> <p>9 Q. This is not just an opportunity</p> <p>10 for you to say whatever you want, it is to</p> <p>11 answer the questions that I ask. So if the</p> <p>12 answer relates to the question I ask, that's</p> <p>13 terrific.</p> <p>14 A. Okay.</p> <p>15 Q. I ask that you concentrate on</p> <p>16 that so we can get finished as quickly as</p> <p>17 possible.</p> <p>18 A. Okay.</p> <p>19 Q. Have you ever gone through this</p> <p>20 process before, giving a deposition?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. Other than the prior</p> <p>23 hearing before the New York City Commission on</p> <p>24 Human Rights, have you ever been involved in</p> <p>25 another legal proceeding?</p>	<p style="text-align: right;">Page 7</p> <p>1 E. Bryan</p> <p>2 A. Yes, sir.</p> <p>3 Q. Can you tell me how many times</p> <p>4 after June 5, 2006, how many times you applied</p> <p>5 for a promotion, after June 5, 2006 until</p> <p>6 today?</p> <p>7 A. I would say I applied -- I</p> <p>8 attempted to apply for lead technician</p> <p>9 position.</p> <p>10 Q. Okay.</p> <p>11 A. And I was told that Michael</p> <p>12 Rodriguez was still officially the night shift</p> <p>13 lead technician and he was standing in as the</p> <p>14 evening shift supervisor until one was hired.</p> <p>15 Q. Okay. What I'm asking right now</p> <p>16 is how many times. So that's one time?</p> <p>17 A. Two.</p> <p>18 Q. Two times?</p> <p>19 A. Two times, sir.</p> <p>20 Q. The first time you mentioned the</p> <p>21 lead technician, when did you apply for that</p> <p>22 position?</p> <p>23 A. I spoke to John Meggs in June of</p> <p>24 2006 regarding the position and he said it was</p> <p>25 not available because Michael was still</p>
<p style="text-align: right;">Page 6</p> <p>1 E. Bryan</p> <p>2 A. In this type of --</p> <p>3 Q. In any type of matter.</p> <p>4 A. I have had a garnishment placed</p> <p>5 on my wages by a credit card company.</p> <p>6 Q. Other than that, is that the only</p> <p>7 other legal proceeding other than this one and</p> <p>8 the proceeding you brought before the New York</p> <p>9 City Commission on Human Rights?</p> <p>10 A. Yes.</p> <p>11 Q. I'm going to ask you a bunch of</p> <p>12 questions concerning your employment with</p> <p>13 Memorial Sloan-Kettering and when I ask the</p> <p>14 questions, I'm going to be asking you to focus</p> <p>15 on the period after June 5, 2006.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. June 5, 2006 was the</p> <p>18 beginning of your hearing before the city</p> <p>19 commission?</p> <p>20 A. Yes.</p> <p>21 Q. Unless I specifically ask you to</p> <p>22 go back before June 5, 2006 --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- other than that, assume I am</p> <p>25 always asking after June 5, 2006, all right?</p>	<p style="text-align: right;">Page 8</p> <p>1 E. Bryan</p> <p>2 officially the night shift lead technician and</p> <p>3 he was only on that shift, and so far until he</p> <p>4 could find a -- you know, a permanent</p> <p>5 supervisor, so it was not available.</p> <p>6 Q. Okay. Did anyone ever fill that</p> <p>7 position?</p> <p>8 A. I found out some time afterwards</p> <p>9 that Miquel Ruiz was hired for that position.</p> <p>10 Q. Did you formerly apply for that</p> <p>11 position?</p> <p>12 A. I saw no posting of it, sir. It</p> <p>13 was not mentioned and John Meggs had told me</p> <p>14 that Michael Rodriguez was the night shift</p> <p>15 lead technician.</p> <p>16 Q. Okay.</p> <p>17 A. I found out he was the evening</p> <p>18 shift supervisor when he was on the stand at</p> <p>19 the city commission.</p> <p>20 Q. And what was the other promotion</p> <p>21 that you sought that you didn't receive?</p> <p>22 A. I applied in July of 2007 for the</p> <p>23 instrument specialist position.</p> <p>24 Q. Yes.</p> <p>25 A. And three months had passed by,</p>

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<p style="text-align: right;">Page 9</p> <p>1 E. Bryan</p> <p>2 John Meggs had seen me frequently and had said</p> <p>3 nothing to me. In October of 2007, I asked</p> <p>4 the status of the position and he said it had</p> <p>5 been closed out for some time and he had</p> <p>6 forgotten to tell me.</p> <p>7 Q. Okay. Who got the job?</p> <p>8 A. No, the position was closed out.</p> <p>9 Q. The position was closed, so no</p> <p>10 one got the position?</p> <p>11 A. Right. He just told me he forgot</p> <p>12 to tell me.</p> <p>13 Q. Any other promotions that you</p> <p>14 applied for and didn't receive from June 5,</p> <p>15 2006 to today?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. Now, I'm specifically</p> <p>18 asking you before June 5, 2006. Were there</p> <p>19 promotions that you sought that you didn't</p> <p>20 receive prior to June 5, 2006?</p> <p>21 A. I sought the -- well on September</p> <p>22 of 2006 Kevin Waldron was promoted to</p> <p>23 instrument specialist.</p> <p>24 Q. When was this?</p> <p>25 A. September of 2006, sir.</p>	<p style="text-align: right;">Page 11</p> <p>1 E. Bryan</p> <p>2 didn't receive?</p> <p>3 A. I spoke about the instrument</p> <p>4 specialist position, I interviewed for the</p> <p>5 instrument specialist position. I believe</p> <p>6 that was in 2003, sir?</p> <p>7 Q. Yes.</p> <p>8 A. I did an interview with John</p> <p>9 Meggs in his office and I spoke to Sheila</p> <p>10 Donoghue in person.</p> <p>11 Q. Yes.</p> <p>12 A. And she told me that I was being</p> <p>13 considered and I was told that Michael</p> <p>14 Rodriguez had received the position.</p> <p>15 Q. Now, did you testify also that</p> <p>16 there was another position that was open that</p> <p>17 you did not apply for? This is before June</p> <p>18 5th of 2006.</p> <p>19 You have to allow me to finish.</p> <p>20 Before June 2006 that you didn't initially</p> <p>21 apply for because you thought it was futile,</p> <p>22 did you?</p> <p>23 A. Well, that was the position of</p> <p>24 lead technician that Michael Rodriguez</p> <p>25 received. I was told by John Meggs that I</p>
<p style="text-align: right;">Page 10</p> <p>1 E. Bryan</p> <p>2 Q. But I'm asking about --</p> <p>3 A. That position was not posted,</p> <p>4 sir.</p> <p>5 Q. That position wasn't posted?</p> <p>6 A. No, sir.</p> <p>7 Q. And what was that job?</p> <p>8 A. That was the instrument</p> <p>9 specialist position, sir.</p> <p>10 Q. Any other promotions that you</p> <p>11 claim you should have gotten that you did not</p> <p>12 receive?</p> <p>13 A. I attempted to apply for the lead</p> <p>14 technician position that Michael Rodriguez had</p> <p>15 gotten.</p> <p>16 Q. When was that?</p> <p>17 A. And that was in -- I don't recall</p> <p>18 the exact year of that, sir.</p> <p>19 Q. Was it prior to --</p> <p>20 A. -- the city commission hearing?</p> <p>21 Q. Yes.</p> <p>22 A. Yes sir.</p> <p>23 Q. Did you testify at the city</p> <p>24 commission about a number of positions that</p> <p>25 you thought you should have received that you</p>	<p style="text-align: right;">Page 12</p> <p>1 E. Bryan</p> <p>2 would have to do an interview with himself and</p> <p>3 Eileen, who was the director of the</p> <p>4 perioperative services above John Meggs at the</p> <p>5 time. I asked him when can we do it and he</p> <p>6 said he would set it up. I asked him</p> <p>7 practically every time I saw him and he said,</p> <p>8 you know, they were busy and they would set it</p> <p>9 up. They were busy and they would set it up.</p> <p>10 Q. Okay.</p> <p>11 A. And eventually I heard that</p> <p>12 Michael Rodriguez had received the position,</p> <p>13 sir.</p> <p>14 Q. Is it true, Mr. Bryan, for years</p> <p>15 prior to June 5th of 2006, you had received</p> <p>16 criticisms on your performance evaluation</p> <p>17 about your poor communication skills?</p> <p>18 A. Prior to?</p> <p>19 Q. Prior to June 5th of 2006.</p> <p>20 A. Let's see, that began when John</p> <p>21 Meggs became manager, sir. I had never</p> <p>22 received low evaluations of that type.</p> <p>23 Q. When did John Meggs become</p> <p>24 manager?</p> <p>25 A. I can't recall the exact year.</p>

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<p style="text-align: right;">Page 13</p> <p>1 E. Bryan</p> <p>2 It was either 2002 or 2003, sir.</p> <p>3 Q. Okay. Would it be fair to say</p> <p>4 that from that time on, your performance</p> <p>5 evaluations reflected that your supervisors</p> <p>6 thought that you did not have good</p> <p>7 communication skills?</p> <p>8 A. Well, I had already had my</p> <p>9 previous attorney contact the hospital about</p> <p>10 litigation and when John Meggs came on as</p> <p>11 manager, the first evaluation he gave me was</p> <p>12 negative practically, you know, it was</p> <p>13 negative, sir.</p> <p>14 Q. Okay. But he gave you that</p> <p>15 evaluation before your attorney contacted</p> <p>16 anyone?</p> <p>17 A. No, my attorney Sam Landau had</p> <p>18 made several contacts to Memorial</p> <p>19 Sloan-Kettering and we were in the process of</p> <p>20 filing the complaint with the commission, sir.</p> <p>21 Q. Did you receive also a complaint,</p> <p>22 complaints in your performance evaluations or</p> <p>23 criticisms, I should say, in your performance</p> <p>24 evaluations for you not being a team player</p> <p>25 and your inability to get along with</p>	<p style="text-align: right;">Page 15</p> <p>1 E. Bryan</p> <p>2 A. Yes, sir I believe this is the</p> <p>3 evaluation given to me by John Meggs, his</p> <p>4 first year there, sir.</p> <p>5 Q. That was 2000. It was an</p> <p>6 evaluation for the year 2000 that was given to</p> <p>7 you in 2001?</p> <p>8 A. By John Meggs, sir.</p> <p>9 Q. By John Meggs.</p> <p>10 Did Mr. Meggs make comments about</p> <p>11 your problems with communication and teamwork?</p> <p>12 A. I had explained to John Meggs</p> <p>13 what the problems in the department were, sir,</p> <p>14 and I had clearly explained to him, you know.</p> <p>15 Q. Mr. Bryan, I'm not arguing with</p> <p>16 you. Did he make reference in your</p> <p>17 performance evaluation with problems in</p> <p>18 communication and teamwork?</p> <p>19 MR. SCOTT: Objection. You can</p> <p>20 answer.</p> <p>21 Q. If you could look at the last</p> <p>22 page in particular, "Supervisor's comments."</p> <p>23 Do you remember seeing those comments, Mr.</p> <p>24 Bryan? I'm just asking whether you recall</p> <p>25 seeing those comments. It is just a yes or</p>
<p style="text-align: right;">Page 14</p> <p>1 E. Bryan</p> <p>2 co-workers?</p> <p>3 A. I've witnessed that written on my</p> <p>4 evaluation, sir, yes.</p> <p>5 Q. How long has that been on your</p> <p>6 evaluations?</p> <p>7 A. Since John Meggs has become</p> <p>8 manager, sir.</p> <p>9 Q. Okay.</p> <p>10 A. Since the filing of my complaint</p> <p>11 with the City Commission on Human Rights, sir.</p> <p>12 Q. Just give me one second, please.</p> <p>13 MR. COHEN: Mark this as</p> <p>14 Defendant's Exhibit 1.</p> <p>15 (Document entitled "Memorial</p> <p>16 Sloan-Kettering Cancer Center</p> <p>17 Performance Appraisal 2001" of</p> <p>18 Edmund Bryan bearing production</p> <p>19 Nos. MKSCC 00223 through MKSCC</p> <p>20 00230 marked Defendant's Exhibit</p> <p>21 1 for identification, as of this</p> <p>22 date.)</p> <p>23 Q. Sir, I'm showing you what's been</p> <p>24 marked as Defendant's Exhibit 1. Is that your</p> <p>25 2001 evaluation?</p>	<p style="text-align: right;">Page 16</p> <p>1 E. Bryan</p> <p>2 no.</p> <p>3 A. From 2001 I didn't have a copy of</p> <p>4 it or, you know, until we got -- until my</p> <p>5 attorney had showed me copies that you had</p> <p>6 sent to his office.</p> <p>7 Q. Yes.</p> <p>8 A. But I can't say that I fairly</p> <p>9 recall this event clearly, sir.</p> <p>10 Q. It says that staff refused to</p> <p>11 sign, staff meaning the employee, you. Did</p> <p>12 you refuse to sign your evaluation?</p> <p>13 A. Yes, sir.</p> <p>14 Q. In fact, you refused to sign</p> <p>15 every one of your evaluations; isn't that</p> <p>16 right?</p> <p>17 A. Since my attorney contacted</p> <p>18 Sloan-Kettering, yes, yes, sir.</p> <p>19 MR. COHEN: This will be 2.</p> <p>20 (Document entitled "Memorial</p> <p>21 Sloan-Kettering Cancer Center</p> <p>22 Performance Appraisal" of Edmund</p> <p>23 Bryan dated 2001 bearing</p> <p>24 production Nos. MKSCC 00231</p> <p>25 through MKSCC 00238 marked</p>

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<p>1 E. Bryan 2 Defendant's Exhibit 2 for 3 identification, as of this date.) 4 Q. All right, I'm now showing you, 5 Mr. Bryan, what's been marked as Defendant's 6 Exhibit 2. Is that your 2001 evaluation given 7 to you in 2002? 8 A. In 2002, sir. 9 Q. Yes, it was your 2001 evaluation 10 that was given to you in 2002, correct? 11 A. But isn't this one also labeled 12 2001, sir? 13 Q. No, that covers the period of 14 2000, it was given to you in 2001. 15 MR. SCOTT: This is not a 16 speaking objection, just for 17 clarification, referring back to 18 Defendant's Exhibit 1. 19 MR. COHEN: Yes. 20 MR. SCOTT: It appears that the 21 date signed on the last page, Bates 22 MKSCC 00230, is November 6th of 2001 23 which is the end of 2001. 24 MR. COHEN: Okay, that's fine. 25 Q. I said it was for a period</p>	<p>1 E. Bryan 2 A. Can I say something, sir? 3 Q. I have no question pending. 4 MR. COHEN: This is Defendant's 5 Exhibit 3. 6 (Document entitled "H25 7 Performance Appraisal 2003" of 8 Edmund Bryan bearing production 9 Nos. MKSCC 00241 through MKSCC 10 00267 marked Defendant's Exhibit 11 3 for identification, as of this 12 date.) 13 Q. All right, I'm showing you what's 14 been marked as Defendant's Exhibit 3. Is that 15 the next evaluation you received? 16 A. Yes, sir, it looks familiar, sir. 17 Q. It looks familiar. 18 If you look at the bottom 19 right-hand side MSKCC 00249, did it say that: 20 "Mr. Bryan can use a more approachable 21 demeanor"? 22 A. I see that in writing, sir, yes. 23 Q. Do you remember receiving this? 24 A. I can vaguely recall this, sir. 25 Q. And if you could look at the next</p>
Page 18	Page 20
<p>1 E. Bryan 2 covering 2000 that was given to you in 2001; 3 is that correct? That was for the first one. 4 The second one was for 2001 that was given to 5 you in 2002? 6 A. Sir, this one the end of 2001 and 7 this is, you are saying -- this is the end of 8 2000, you are saying, right, sir? 9 Q. Does it say what period of time 10 it covers, Mr. Bryan? You know what, I'm not 11 going to argue with you. 12 Did you receive Defendant's 13 Exhibit 2? 14 A. Yes, sir, I received this 15 evaluation, sir. 16 Q. Did it have criticisms of you 17 about your communication skills and your 18 failure to work as a team with other people in 19 your department? 20 A. Yes, sir. I saw those comments, 21 sir. 22 Q. And you, again, refused to sign 23 it; is that correct? 24 A. Yes, sir. 25 Q. All right. Next.</p>	<p>1 E. Bryan 2 page, did it say that you have improved your 3 cooperation with other staff? 4 A. That's what I'm reading here, 5 sir. 6 Q. Was that after you filed your 7 complaint with the City Commission on Human 8 Rights? 9 A. Yes, sir, this is -- this is 10 after my complaint was filed with the 11 commission, sir. 12 Q. And if you could go, again, to I 13 guess it would be the next-to-last page, you 14 refused to sign? 15 A. Yes, sir. 16 Q. Okay. We'll go to the next one. 17 MR. COHEN: Mark this as Exhibit 18 4. 19 (Document entitled "H25 20 Performance Appraisal 2004" of 21 Edmund Bryan bearing production 22 Nos. MKSCC 00269 through MKSCC 23 00295 marked Defendant's Exhibit 24 4 for identification, as of this 25 date.)</p>

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<p style="text-align: right;">Page 21</p> <p>1 E. Bryan</p> <p>2 Q. All right, I'm showing you</p> <p>3 Defendant's Exhibit 4, is that the next</p> <p>4 evaluation you received?</p> <p>5 A. It looks familiar, yes, sir. It</p> <p>6 looks familiar.</p> <p>7 Q. If you could look at page 00291.</p> <p>8 A. Okay.</p> <p>9 Q. Do you see where it says, bottom</p> <p>10 line, you need to develop skills as a team</p> <p>11 member, 291, sir, 00291?</p> <p>12 A. Yes, sir, I see that, sir.</p> <p>13 Q. If you can turn to page 00294.</p> <p>14 A. Yes, sir.</p> <p>15 Q. Again, you refused to sign?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And your supervisor's comment</p> <p>18 was:</p> <p>19 "Mr. Bryan refused to sign and</p> <p>20 had no interest in his evaluation."</p> <p>21 Do you remember seeing that?</p> <p>22 A. Only Mr. Gillette can interpret</p> <p>23 his own words, sir.</p> <p>24 Q. I didn't ask you to interpret his</p> <p>25 words. I asked if you remember seeing it.</p>	<p style="text-align: right;">Page 23</p> <p>1 E. Bryan</p> <p>2 displays inflexability."</p> <p>3 Do you remember seeing that?</p> <p>4 A. I vaguely recall this, sir.</p> <p>5 Q. Can you turn to page 00314 where</p> <p>6 it says:</p> <p>7 "Mr. Bryan does not show team</p> <p>8 work, he needs to be more</p> <p>9 productive."</p> <p>10 Do you see that?</p> <p>11 A. I vaguely recall this as well,</p> <p>12 sir.</p> <p>13 Q. And, again, you refused to sign</p> <p>14 your evaluation, correct?</p> <p>15 A. Yes, sir, I did, yes, sir.</p> <p>16 MR. COHEN: Okay. Next one.</p> <p>17 (Document entitled "H25</p> <p>18 Performance Appraisal - 2006" of</p> <p>19 Edmund Bryan bearing production</p> <p>20 Nos. MKSCC 00334 through MKSCC</p> <p>21 00360 marked Defendant's Exhibit</p> <p>22 6 for identification, as of this</p> <p>23 date.)</p> <p>24 Q. By the way, the evaluations we've</p> <p>25 marked 1 through 5, these were evaluations</p>
<p style="text-align: right;">Page 22</p> <p>1 E. Bryan</p> <p>2 A. I vaguely recall it, sir, but I</p> <p>3 also acknowledge that I did not sign it, sir.</p> <p>4 Q. Just so we are clear, it is not</p> <p>5 that you did not sign it, you refused to sign</p> <p>6 it? You were asked to sign it and you refused</p> <p>7 to sign it?</p> <p>8 A. Yes, sir. Yes, sir.</p> <p>9 Q. All right. Now let's go to the</p> <p>10 next one, which is now marked as Defendant's</p> <p>11 5.</p> <p>12 (Document entitled "H25</p> <p>13 Performance Appraisal 2005" of</p> <p>14 Edmund Bryan bearing production</p> <p>15 Nos. MKSCC 00305 through MKSCC</p> <p>16 00331 marked Defendant's Exhibit</p> <p>17 5 for identification, as of this</p> <p>18 date.)</p> <p>19 Q. If you can look at page 00313.</p> <p>20 A. Yes.</p> <p>21 Q. Do you see it?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see where it says:</p> <p>24 "Mr. Bryan does not maintain an</p> <p>25 approachable demeanor and sometimes</p>	<p style="text-align: right;">Page 24</p> <p>1 E. Bryan</p> <p>2 that were done before your hearing before the</p> <p>3 City Commission on Human Rights?</p> <p>4 A. Prior to June of 2006, sir?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. Now let's look at ones</p> <p>8 afterwards, so look at the one you have now</p> <p>9 which is Defendant's Exhibit 6.</p> <p>10 A. Okay, sir.</p> <p>11 Q. If you can look at page 00343.</p> <p>12 A. Yes, sir, I see that.</p> <p>13 Q. It says:</p> <p>14 "Edmund is not a team worker, he</p> <p>15 does not talk to other staff and</p> <p>16 constantly changes dept. procedure."</p> <p>17 Do you remember seeing that?</p> <p>18 A. I can vaguely recall this, sir.</p> <p>19 Yes, I can vaguely recall this.</p> <p>20 Q. Okay.</p> <p>21 MR. COHEN: Let's have this</p> <p>22 marked.</p> <p>23 (Document entitled "Quarterly</p> <p>24 Review 2007, March-July, MSKCC</p> <p>25 Central Processing Department"</p>

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Edmund Bryan  
April 21, 2008

<p style="text-align: right;">Page 25</p> <p>1 E. Bryan 2 bearing production Nos. MKSCC 3 00437 through MKSCC 00440 marked 4 Defendant's Exhibit 7 for 5 identification, as of this date.) 6 Q. Do you recall receiving this 7 quarterly review in 2007? 8 A. I can vaguely recall this, sir. 9 Mr. Gillette does this. Yes, I can vaguely 10 recall this. 11 Q. Okay. Did it make reference to 12 your communications, problems with your 13 communications and teamwork. 14 MR. SCOTT: Objection. 15 You can answer. 16 Q. If you look at page 00438, the 17 "Core Competencies," "Teamwork" and 18 "Communication." Do you recall seeing this? 19 A. I vaguely recall it, sir. I can 20 vaguely recall this. 21 Q. And you again refused to sign, if 22 you look at the last page 00440? 23 A. Yes. 24 Q. Okay. 25 A. Yes.</p>	<p style="text-align: right;">Page 27</p> <p>1 E. Bryan 2 Let's just look at the one that's 3 as an example, the one that's listed as 2003 4 which is Exhibit 3. Look at page 00266. I 5 think it is fairly typical of the last page of 6 all the performance evaluations. Let's just 7 look at this performance evaluation. 8 A. Yes, sir. 9 Q. It says first on the top there is 10 a column, there is a spacing: 11 "Employee's comments on the 12 evaluation and the evaluation 13 discussion." 14 So you would have the ability to 15 disagree and put your comments disagreeing 16 with the evaluation there; is that correct? 17 A. Yes, sir. 18 Q. And in fact if you look at the 19 bottom, it says: 20 "Expectations for the next 21 appraisal period were reviewed and 22 discussed. A copy of the performance 23 expectations and key behaviors was 24 distributed to employee." 25 Does it say anything about if you</p>
<p style="text-align: right;">Page 26</p> <p>1 E. Bryan 2 Q. Would you agree that going back 3 to 2000, at least consistently, you have been 4 criticized by your supervisors for lack of 5 teamwork and communication skills? 6 A. By Mr. Gillette, sir. 7 Q. By Mr. Gillette, I understand. 8 He is your supervisor? 9 A. Yes, sir. 10 Q. And that consistently since 2001, 11 which is I think the first one we showed you, 12 that you refused to sign that you even 13 received it; isn't that correct? 14 A. Not in the sense of receiving it, 15 sir, but I just refused to sign the evaluation 16 and any document that reflects on it. 17 Q. What do you mean by "any document 18 that reflects on it"? 19 A. Well, when you say receiving it 20 in that context, if it means acknowledging it 21 as a fair, you know, appraisal of my 22 performance, then, you know. 23 Q. Well if you look at it, all it 24 says is, it says: "Expectations for the next 25 appraisal period."</p>	<p style="text-align: right;">Page 28</p> <p>1 E. Bryan 2 agree or is it just an acknowledgment where 3 things were reviewed and discussed and given 4 to you? 5 MR. SCOTT: Objection. 6 You can answer. 7 THE WITNESS: What? 8 MR. SCOTT: I objected for the 9 record, but you can answer. 10 A. Yes, this says expectations for 11 the appraisal period were reviewed and 12 discussed. 13 Q. All signing meant was that you 14 were acknowledging things that were told to 15 you or given to you, it didn't say anything 16 that you agreed with it, did it? 17 MR. SCOTT: Objection. 18 A. I -- I believe that the 19 supervisor is deliberately using this process 20 to devalue me, sir. 21 Q. Okay. But that's not the 22 question I asked. The question I asked -- 23 MR. SCOTT: Objection. 24 (Cell phone interruption.) 25 THE WITNESS: Sorry. I'll shut</p>

7 (Pages 25 to 28)